

**THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3<sup>RD</sup> FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, DECEMBER 19, 2006 AT 3:30 P.M.**

**PRESENT:** Chairman Mayor James Garner, Vice Chairman Bill Utz, Mark Seabrook, Todd Solomon and Larry Kochert.

**OTHERS:** Attorney Greg Fifer, Tim Crawford, Brian Dixon, EMC, and City Clerk Marcey Wisman.

**CALL TO ORDER:**

**Mayor Garner called the meeting to order at 3:34 p.m.**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Seabrook moved to approve the December 5, 2006 minutes as corrected, Mr. Utz second, all voted in favor.**

**COMMUNICATIONS - PUBLIC:**

**COMMUNICATIONS - CITY OFFICIALS**

**Mr. Dixon** announced that most of the people present were there for a bid that he had received for the Old Ford Rd Project.

**Mr. Kochert** asked the board to consider that the drainage board foots their portion of the billing for employees.

**Mr. Seabrook** stated that this should be part of their budget and that they need to present a budget on how they pay their employees.

**Mr. Kochert** agreed and stated that there was no way that the sewer board should be paying for all these different employees.

**Mayor Garner** stated that he would ask Kay to work up that proposal according to how much time is spent on each side and present it to the board on January 9<sup>th</sup>.

**Mr. Solomon** said that the same should be done for the Indiana-American billing. He gave an example of one bill where the sewer is paying over \$15,000 for billing that includes trash which they aren't responsible for and he doesn't believe that they should be paying that entire amount.

**Mr. Solomon made a motion that Kay go back to the last green bar report of 12/04 and strike the IN-AWC 10-6 invoice from the sewer account and split it equally between sewer, drainage and stormwater, Mr. Kochert second, all voted in favor.**

**Mr. Seabrook** stated that he would like to say that it has been a pleasure and an honor to work with the members of the sewer board and that he feels that this board has taken criticism for hard decisions that they had to make for problems that they did not create. He also introduced Mr. Kevin Zurschmiede who will be replacing him after the first of the year.

**Mayor Garner** reported that the 15<sup>th</sup> Street interviews will take place on January 9 at 5:00 and 5:30 during an executive session with Donahue and Strand. He also reported that he received a phone call from the investigator from the EPA that the case against the city has been closed. He reported that New Albany is no longer under investigation and there will be no further action taken against the city, but if anything further happened that they could go back and reopen the case.

**Mr. Dixon** stated that he received bids for the Old Ford line replacement of approx. 600 meters.

**Cornell Harbison**     \$73,704 (adjustment per linear foot was \$73.)

**Team Contracting**     \$57,782 (no price adjustments per linear foot)

**Brian Stumler excavating**     \$70,528 (no price per linear foot)

**Mac Construction**     \$69,000 (no price per linear foot)

**Mr. Dixon** stated that he would take them under advisement to make sure that they meet all the requirements. He asked that he be allowed to approve the low bidder

**Mr. Fifer** stated that the motion should be that they recognize Team Contracting as the lowest responsive bidder.

**Mr. Kochert** moved to approve, **Mr. Solomon** second, all voted in favor.

**Mr. Solomon** asked if this needs to go before the Council.

**The board members** agreed that this did need to go before the council.

**Mr. Dixon** stated that he would prepare a report and take it to the next council meeting.

**Mr. Solomon** asked about the status of the vacuum truck.

**Mr. Dixon** stated that he was told by Kay that because the total amount of the lease was over \$75,000 that it had to be advertised and bids received. He has bids due January 8.

**Mr. Solomon** asked if the tie-in has been done on the lift station for the generator.

**Mr. Dixon** explained that when Team Contracting finishes their work on the line they will do that.

**Mr. Solomon** asked about the Grantline over-flow

**Mr. Dixon** stated that it has been sealed

**Mr. Solomon** asked if the letter on Adams Street for the EPA has been done.

**Mr. Dixon** stated that a letter has not been produced.

**Mr. Solomon** asked if the charge for November and December on the Green Bar Report reflected the electrical credit they were getting from 2005.

**Mr. Sartell** stated that it did.

**Mr. Solomon** stated that on the Capital Improvements report that they need to go over it again because there are items that he does not believe need to be on there.

**Mr. Dixon** stated that Mr. McCormick would be here later and he believes that this should be brought up at that time.

**Mr. Solomon** stated that he was concerned that this might be looked at as a wish list item. He asked Mr. Gress about the status of the Ohio River Permit.

**Mr. Gress** stated that he finally spoke with Catherine Hess from IDEM on Friday and they gave them an extension for after the first of the year to get those in.

**Mr. Solomon** asked if the Silvas got back into their house.

**Mr. Dixon** reported that they have been in their house since last Wednesday and he received an invoice from Colonial in the amount of \$6,266.18 for the clean up. He and Mr. Silva had a discussion regarding the back flow preventor at his cost. He recommended to them to install the type that can be self cleaned. He also told Mr. Silva that all they were doing was cleaning the line, that this wasn't admitting liability. Mr. Silva stated that he will be presenting a list of items that were destroyed.

**Mr. Sartell** stated that they determined that he is in basin 18 which was last cleaned in 2002.

**Mr. Solomon** stated that he believes that the board needs to determine when they are going to take responsibility on these things and when not. For example developing a policy that would says if a basin is cleaned within so many years that the city is not liable.

**There was a lengthy discussion regarding back up issues and the city's liability.**

**Mr. Fifer** asked for a list of each basin and when they were last cleaned.

**Mr. Dixon** reported that they are working on that and it will be ready for the next meeting.

**Mr. Utz** asked how to convey to the users what the problems are with back-ups and checking their insurance policy to insure that they are covered in these situations.

**Mr. Dixon** stated that he has looked for door hangers informing people not to put there cooking grease down the drain and other issues. He stated that the majority of the city's grease problem is not from restaurants but from residents.

**Mrs. Welsh** stated that they could send an insert with the sewer bills.

**Mr. Solomon** asked Mr. Fifer if he had sent the letter to the EPA regarding the developments over 15,500 credits

**Mr. Fifer** said he has sent it and Mr. Solomon should have already gotten the letter.

**Mr. Solomon** wanted to make sure everyone was aware that the Lafollette line is full and no more credits can be approved for that line.

## **SEWER ADJUSTMENTS:**

### **Item #1 - Kelly Welsh re: sewer adjustment requests**

**Mrs. Welsh** reported that there are several areas that are not being billed for stormwater and they have also found accounts that are not being billed for garbage. She stated that they constantly have to follow up on IN-AWC.

**Mr. Fifer** stated that the only way to fix the problem is to terminate the contract.

**Mrs. Welsh** stated that she would like to ask them for a water readings list.

**Mr. Fifer** stated that he would be willing to ask for that list. However, this would create an adversarial relationship and the board will have to be prepared to go to a different alternative after this step is taken and he doesn't see it turning out well.

**Mr. Solomon** asked if they could have the VP come in and tell the board why they aren't fulfilling their part of the agreement, and asked what the retaliation could be other than not billing anyone.

**Ms. Welsh** stated that the liens have been filed for the year.

## **NEW BUSINESS:**

**Item #1 - Scott Thomas, LTL Developers re: plat signing for Glenwood Springs section 3**

**Mr. Thomas from LTL Developers presented a plat from Section 3 of Glenwood Springs to be signed.**

**Item #2 - Warren Nash of Solid Waste Management District**

**Mr. Nash**, Floyd co. Solid Waste Management addressed the board regarding the purpose of the waste management district. He stated that they have done a good job with recycling and education but they have not done a good job with the house hold chemical waste. He stated that in Floyd County they have one day (Tox-a-way Day) when they collect paint and other hazardous waste. He stated that they need a permanent facility. He wrote a grant for a permanent collection location and he has gotten an extension because the place that he thought he would have was denied. He was wondering if the city might have a location where they could put this facility.

**Mr. Kochert** asked what was wrong with where they are now.

**Mr. Nash** reported that they are tearing the facility down and building a youth shelter and it is not an appropriate place.

**Mr. Fifer** asked what they would need.

**Mr. Nash** stated that they need an area to put a 15 X18 foot hazmat trailer with an adjacent office that can be fenced in.

**There was a lengthy discussion regarding what is needed and whether or not there is space down by the plant and if the lot on 10<sup>th</sup> street would be appropriate.**

**Mr. Dixon** stated that Mac Construction has placed a construction trailer there. He stated that another alternative would be basin 14 that is owned by Billy Greenwell that is fenced in behind Wal-Mart.

**Mr. Fifer** asked Mr. Dixon to take Mr. Nash to look at the two locations.

## **OLD BUSINESS:**

**Item #1 - Donohue re: Project Update**

**Mr. Gress** presented the Board with the draft of the Master Plan Report which is task order #3. This covers basin 35 through 40 and addresses the potential for future growth

and potential of SSO's. He stated that Mr. Elling will be at the next meeting on November 9 and discuss this with the board. Said draft is on file with the City clerk's office.

**There was a lengthy discussion and numerous questions regarding the prioritized replacement and upgrades.**

**Mr. Gress** stated that they would need to ask Mr. Elling these questions at the next meeting. He asked if the board would like to set up a separate meeting with Mr. Elling the first or second week in January.

**Mr. Fifer** stated that he would like the draft brushed up and time periods put in it before we get together on this again.

**Mr. Solomon** discussed the importance of the utility doing a major master plan.

**Mr. Gress** stated that on Task Order #1 the spread sheet is under way and Mr. Elling will be finishing it up when he returns from vacation.

## **Item #2 - Clark Dietz re: Project Update**

**Mr. Christmas** reported that the rel-interceptor will be complete and ready for testing this next week, and the line will be in service by January 4 and the restoration and clean up will take place after that.

**Mr. Fifer** asked when we could get a reading on the line.

**Mr. Dixon** reported that he could go out and switch the flow meter to the new line the first week of January.

**Mr. Fifer** asked for a report showing the before flows to compare the flows of the new line.

**Mr. Christmas** presented an up-dated Project Costs and construction schedule using the suggestions of the board. Said schedule is on file with the city Clerk's office. He said the schedule depends on the approval of the Board to fund the projects. He stated that he did not include a projected cost for Basin 18 because at this point it would be a total random number.

**Mr. Fifer** asked if we would know the scope of the problems with Basin 18 and the cost by the time scheduled.

**Mr. Christmas** stated that if he receives the information needed in the next couple of months that the schedule could be followed.

## **Item #3 - Brian Dixon re: Mac Construction and fill at the plant.**

**Mr. Dixon** stated that he had received a letter from Mac Construction releasing the city from any liability.

**Marc McCormick** presented the board with the November 30, 2006 financials and reviewed it at length with the board.. Said report is on file with the City Clerk's office.

**Mr. Solomon** asked if the \$540,000 that was included in every rate scenario presented to the council.

**Mr. Fifer** stated that he has drafted a letter to the council reminding them of this but he does not want to send that out until after the SRF bonds are sold. He also stated that he did not believe that this should be reflected on the budget because the money would not be transferred to the utility but claims would have to be presented to Kay against the EDIT funds for projects only.

**There was a lengthy discussion regarding the BAN payments and how it would change the budget for 2007.**

**Mayor Garner** asked about the partial abandonment for Mr. Parrish that was brought up at the previous meeting.

**Mr. Dixon** discussed the Partial Abandonment, Termination, and Release of Sanitary Easement which would be 20 feet on each side of ten foot easement.

**Mr. Kochert** motioned to approve a ten foot easement on the north side, **Mr. Solomon** second, all voted in favor.

## **EMC REPORT:**

### **BIDS:**

### **CLAIMS:**

**Tim Crawford** presented the following claims:

**Clark Dietz** -\$11,984 for lift station & basin 4  
- \$2130.00 for two rain events

**K&E Environment** - \$1928.68 for continued professional service

**Donohue and Associates** -\$14,718.65 for continued professional service

**Melheiser Endres and Tucker** - \$2,221.00 for professional service

**Mr. Solomon** had a question regarding a field vehicle from Clark Dietz and wondered why the utility was being charged for that. He would like to know why it is necessary before approving this.

**Mr. Solomon** moved to approve the invoices minus the field vehicle of \$240, **Mr. Kochert** second, all voted in favor.

**Mr. Fifer** stated that he thought that he would have received the signed ADM agreement for \$150,000 and he would like for them to approve that subject to them seeing it.

**Mr. Utz** moved to approve, **Mr. Kochert** second, all voted in favor.

**Mr. Kochert** asked where we were on the Fox Cotner case.

**Mr. Fifer** stated that he does not know what is going on but he would try to find out.

## **ADJOURNMENT:**

There being no further business before the Sewer Board, the meeting adjourned at 5:48 p.m.

Respectfully submitted,

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Mayor James Garner, Chairman

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Marcey J. Wisman, City Clerk

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*All meetings are taped and can be reviewed in the City Clerk's Office*